

House Bill 490

By: Representatives Levitas of the 82nd, Ralston of the 7th, Harbin of the 118th, Wilkinson of the 52nd, Coan of the 101st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions applicable to the General Assembly, so as to authorize the use of process to secure the attendance of witnesses and the production of documents before legislative committees; to provide for service, witness fees, and records; to provide for criminal failure to respond to a subpoena or answer questions and punishment therefor; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions applicable to the General Assembly, is amended by adding a new Code section to read as follows:

"28-1-18.

(a) As used in this Code section, the term 'committee' includes any standing committee of the General Assembly established by rules of the Senate or House of Representatives, any subcommittee of any such standing committee, and any interim committee established by resolution of the Senate or House of Representatives, by joint resolution, or by order of the President of the Senate or the Speaker of the House of Representatives; provided, however, that the term shall not include any interim committee which does not have members of the General Assembly as a majority of the members of the interim committee.

(b) Process in the form of a subpoena may be issued by any committee to secure the attendance of a witness, the production of documents, or both. The issuance of process shall be authorized by vote of the committee and carried out by the chairperson of the committee following such authorization.

(c) Service of subpoenas issued under this Code section shall be made by any person appointed for such purpose by the presiding officer of the Senate or the House of Representatives.

(d) Witnesses appearing under subpoena shall be entitled to witness fees as provided in Code Section 24-10-24. In the case of a person who resides outside of Fulton County, service of a subpoena under this Code section shall be accompanied by the tender of a witness fee and mileage in the same amounts as specified under Code Section 24-10-24. The legislative fiscal officer shall issue checks for this purpose upon requisition of the chairperson issuing the subpoena, and tender of payment in the form of a check so issued shall suffice to validate the service.

(e) The Secretary of the Senate and the Clerk of the House of Representatives shall provide subpoena forms and shall keep permanent records of the issuance of subpoenas, the return of service thereof, and the issuance of certifications under paragraph (2) of subsection (f) of this Code section.

(f)(1) Any person who willfully fails to comply with a subpoena under this Code section or who, having appeared, refuses to answer any question pertinent to the question under inquiry shall upon conviction be guilty of a misdemeanor.

(2) Upon the failure of a person under subpoena to appear or answer pertinent questions, the chairperson issuing the subpoena shall make a certification of such fact to the appropriate prosecuting attorney who shall have the duty to promptly investigate and prosecute any violation of this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.